

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD LARABA,

Defendant.

DECISION AND ORDER
19-CR-36-A

Defendant Todd Laraba is charged in a three-count Indictment (Dkt. No. 1) with Hobbs Act Conspiracy, in violation of 18 U.S.C. § 1951(a) (Count 1); Hobbs Act Robbery, in violation of 18 U.S.C. § 1951(a) and § 2 (Count 2); and Marijuana Conspiracy, in violation of 21 U.S.C. § 846 (Count 3), and the case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings.

Jury selection was originally scheduled for December 7, 2021. At the same time the parties docketed their pretrial submissions, the Government filed a motion for a determination of a conflict of interest (Dkt. Nos. 80, 102). The Court held a status conference on the issue on November 22, 2021 and determined that the case was not ready for trial, and then recommitted the case back to Magistrate Judge Roemer to resolve the conflict-of-interest issue.¹

¹ The Court also referred the matter back to the Magistrate Judge to resolve discovery motions (see Dkt. Nos. 72, 82, 104) filed by the defense concerning a DNA/ laboratory reporting error by Central Police Services, the entity that tested DNA in this case.

On August 31, 2022, the Magistrate Judge filed a Report and Recommendation (“R&R”) (Dkt. No. 137) following three phases of a *Curcio* hearing held on separate dates, as well as post-hearing briefing and oral argument. The Magistrate Judge finds that while both potential and actual conflicts of interest exist between Defendant and his current counsel, those conflicts are waivable, and Defendant has made a knowing and voluntary waiver of his right to conflict-free counsel. Magistrate Judge Roemer therefore recommends that Defendant be permitted to proceed to trial with his current counsel.

No objections were filed, and the R&R was therefore deemed submitted. The Court finds the R&R well-reasoned and thorough. Upon clear error review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the R&R, it is hereby

ORDERED that Defendant is permitted to proceed to trial with his current counsel; and it is further

ORDERED that the matter remains before Magistrate Judge Roemer for further pretrial proceedings. Upon resolution of the remaining discovery issues, the parties shall confer and file a motion requesting a status conference to set a date for trial.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: October 12, 2022
Buffalo, New York